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HOMELAND SECURITY ADVISORY COUNCIL

REPORT OF THE ADMINISTRATION TRANSITION TASK FORCE

January 2008

Department of Homeland Security
Homeland Security Advisory Council
Administration Transition Task Force Report

Background

The U.S. Department of Homeland Security (DHS) became our Nation's 15th Cabinet department in January 2003. Twenty-two agencies with different missions, operations and cultures were consolidated and realigned into one organization with its primary mission being that of prevention, preparation for and response to catastrophes affecting our homeland, while facilitating legitimate travel and trade (Appendix C). DHS now employs over 208,000 individuals who are located in every state and many foreign countries making it the third largest cabinet agency.

In early 2007, in response to White House Executive Order 13286 (Appendix D), the Department of Homeland Security initiated activities at five strategy levels (Appendix E) to ensure operational continuity of homeland security responsibilities as part of planning for the January 2009 transition to a new presidential administration. This will be the first time that DHS has been required to meet the challenges of a presidential transition. Due to the critical nature of its mission (Prevent, Prepare, Respond, and Recover), it is important that DHS take action now to ensure a seamless and agile transition to new leadership and optimization of the new leadership's ability to assume operational control of the Department.

Secretary Chertoff asked his Homeland Security Advisory Council (HSAC) to establish an Administration Transition Task Force (ATTF) to provide recommendations and best practices for the Department and its various homeland security partners to execute an efficient and effective administration transition. The report will also be shared with each presidential nominee in order to help prepare the incoming administration. The main objective of the ATTF report is to advocate strategies and policies that will strengthen operational continuity of the full spectrum of national homeland security operations. Briefings, research and recent history (e.g., United States - September 11, 2001, Spain - March 11, 2004, United Kingdom - June 30, 2007, etc.) have provided the ATTF an appreciation of the potential vulnerabilities during transition periods. Not only are we aware that they exist, but our enemies are as well. The ATTF believes that the most vulnerable period is 30 days prior to, as recent history has shown, and through six months after the change in administrations.

We recommend that the present Administration and Congress quickly implement the recommendations in this report and that the report be immediately passed to all appropriate entities, especially the presidential nominees.

The ATTF has endeavored to make this report and its recommendations politically neutral and to incorporate the expertise and experiences (best practices) of federal, state, local and private sector transitions. The ATTF believes the report will continue to foster and build collaborative support and respect from Congress, federal agencies, and state, local, tribal and private sector authorities.

The ATTF believes that the incoming and outgoing administrations must work closely together during the administration transition. It is extremely clear that successful transitions require a shared commitment to ensuring a smooth transition of power. This is facilitated by a positive attitude and open mind in both incoming and outgoing administrations, combined with the willingness to respect and listen to each other's concerns and priorities. This same attitude must also characterize the behaviors of the senior career personnel who remain with the Department and will be counted on to ensure a smooth transition between administrations.

It is important that the American public become engaged in understanding the unique vulnerabilities posed by this transition period. This will require public education and media engagement during this critical period in our history. Before, during and after the transition, the public must learn about the choices faced by the nation, communities, families, and individuals. The public must become a partner with their government, sharing the burden. In addition, DHS should continue to engage the media as an ally in the timely dissemination of accurate and actionable information. DHS must work with multiple messengers, trusted within diverse communities, to effectively communicate this information.

The ATTF is encouraged by early DHS efforts but much important work remains to be done.

Process

The ATTF met in person and by teleconference between September and December 2007. Task Force members shared their own knowledge and experience in leading change and managing transitions within their own public and private organizations. The Task Force members also engaged public and private sector subject matter experts involved with both successful and unsuccessful organizational transformations and transitions. The following recommendations incorporate the knowledge and expertise of ATTF members and subject matter experts.

Recommendations

The recommendations are divided into seven broad categories. The ATTF recognizes that several of its recommendations could be aligned into multiple categories. The seven categories include: Threat Awareness, Leadership, Congressional Oversight/Action, Policy, Operations, Succession and Training. There is no rank order of recommendations within each category. We believe all constitute national imperatives and must be expeditiously implemented.

Threat Awareness

Outgoing DHS Leadership should:

- Work with media partners to educate and inform the public that a period of heightened threat is likely before, during and shortly after the Presidential election and transition period.

- Clarify the meaning of "heightened threat" during the transition period by notifying all homeland security partners of historical patterns.

    - Provide timely and reliable dissemination of any credible threat reports to all presidential and vice presidential nominees
    - Encourage issuance of one joint statement on heightened threat level from all presidential nominees

- Enlist non-partisan/bi-partisan/neutral third parties and use public service announcements to assist in informing the public of increased threat levels and the rationale behind them.[1]

- Develop contingency plans around the now common themes of Prevent, Prepare, Respond, and Recover.

Leadership

Outgoing DHS Leadership should:

- Provide the presidential nominees with identified best practices and lessons learned domestically and internationally from analysis of incidents during leadership transitions.

    - Engage past White House Office of Homeland Security and DHS officials and transition teams at all levels of government (federal, state, local) and the private sector.
    - Engage the expertise of other federal departments' transition efforts with particular emphasis on the efforts of National Security organizations (e.g., Defense, State and Justice Departments).

- Work with the presidential nominees, their senior staff, and the Senate, prior to the election, to establish an expedited process for handling appointments and confirmation to critical assignments (this goes far beyond the top three or four senior positions in the Department). Encourage, with incentives (i.e., bonuses),

[1] HSAC, Council for Excellence in Government, National Academy of Public Administration, and think tanks are examples of partners to assist in message formation and delivery.

current appointees to overlap the new administration term until the transition process is complete and new appointees are in place.

  - Draft lists of potential candidates for appointed positions in early summer.
  - Identify ways to accelerate the processing and Senate confirmation of Presidential appointments.
  - Ensure an increase in OPM investigative and adjudicative manpower to quickly clear senior and second-tier appointees (i.e., down to a minimum of Deputy Assistant Secretary positions).
  - Perform updates rather than completely re-do the clearance history for people already holding clearances (at least for all but very top positions).
  - Develop a framework for engaging all presidential nominees to ensure consistency on how they should interact with DHS and vice versa.
  - Ensure department-wide reciprocity for suitability that would allow for quicker movement between components.

- Encourage all presidential nominees to identify members and organize Homeland Security advisory groups in preparation for the administration transition.

  - Offer time and expertise from DHS HSAC membership to all interested presidential nominees and the President-Elect.

- Encourage, and where possible, obtain the commitment of current political appointees to remain until at least the end of the current administration. (Note: this recommendation is also under Congressional Oversight/Action)

- Hold personal meetings for outgoing leadership (Secretary, Deputy Secretary, etc.) with incoming leadership.

- Build and maintain a comprehensive list of DHS alumni of both political and senior career personnel for reference purposes.

  - Provide each incoming appointee, at the time he or she is nominated, with a complete list of recent predecessors/equivalents and their contacts (i.e. e-mail, telephone, postal address, etc.).

- Implement further recommendation number one of the HSAC's Culture Task Force Report -- "DHS Headquarters Must Further Define and Crystallize Its Role." (Appendix F)

- Prepare an outreach strategy to federal, state, local, tribal and private sector leaders to accelerate the new senior leadership teams' ability to implement phone calls, meetings, etc. as soon as they officially assume their positions.

- Generate cost-benefit reports on the more controversial line items in the budget so that decisions can be made either to protect or remove prior to and through the transition process.

Incoming DHS Leadership should:

- Nominate and seek Congressional approval of the new Secretary of Homeland Security as is done with the Secretary of State and Secretary of Defense on the first day of the new Administration. (Note: this recommendation is also under Congressional Oversight/Action)

- Meet with federal, state, local, tribal, private sector, and media partners to discuss transition details.

- Ensure the current career Deputy Under Secretary for Management remains in this position during the next administration. (Note: the ATTF commends the Department for quickly appointing a senior career individual to this position.)

Congressional Oversight/Action

- Act with the same sense of urgency in considering and expeditiously approving the new Administration's Secretary of Homeland Security as is done with the Secretary of State and Secretary of Defense. (Note: this recommendation is also under Leadership)

- Form a select bipartisan group from existing Senate oversight committees to expedite confirmation for all incoming DHS nominees for national security positions with the deadline being the start of the August 2009 recess. (Note: we are NOT asking Congress to form another Committee.)

- Continue to update the Transition Act of 1963 as amended to reflect post-9/11 realities. (Appendix G).

- Implement 9/11 Commission recommendation to reduce the number of Congressional oversight committees and subcommittees from its current unwieldy eighty-six.

- Pass a Fiscal Year 2009 budget for the Department of Homeland Security much sooner than the Fiscal Year 2008 budget was passed to avoid negative impacts on operations and training that can result from continuing resolutions. Congress should also review the Department's FY 2008 budget to ensure sufficient resources are available and allocated for transition activities. This must include pre-election and post-election transition crisis management exercises. Budget shortfalls should be supplemented where necessary.

    - Fund crisis exercises at adequate levels prior to the transition period.

    - Establish critical line items for the budget.

- Continue work to reduce (with outgoing DHS leadership) the number of presidential-appointed senior positions at DHS. (Note: this recommendation is also under Succession)

- Provide early briefings and interactions with DHS presidential nominees and appointees detailing Congressional expectations with respect to homeland security responsibilities.

- Interact with presidential nominees in a bipartisan manner because homeland security is a non-partisan undertaking.

- Encourage incoming appointees to serve as consultants to DHS during their confirmation process.

- Encourage incoming DHS leadership to continue employing current appointees until they are replaced. (Note: this recommendation is also under Leadership)

- Discourage any reorganization of the department prior to or during the transition period. (Note: this recommendation is also listed under Operations)

- Consider current political appointees with highly specialized and needed skills for appropriate career positions. (Note: this recommendation is also under Succession)

Policy

Outgoing DHS Leadership should:

- Continue to encourage all homeland security partners to support and participate in transition efforts.

- Continue to enhance and build consensus among all partners (federal, state, local, tribal, private sector, Congress, etc.) around policy issues that are a priority to the outgoing administration.

- Prioritize critical policies with measurable benchmarks that need to be addressed prior to the change in administration.

    - Provide the incoming administration detailed "End of Appointment"/Departure reports, including lessons-learned, organizational, operational and program successes/failures, and objective/non-partisan recommendations to move forward.

    - Engage and provide a process and templates by which federal, state, local, tribal and the private sector authorities may submit to incoming DHS officials their list of priorities and compilation of 'decisions made' and 'decisions needed.'

- Continue to support the active involvement of the Council for Excellence in Government and the National Academy of Public Administration to make recommendations at all levels of government and the private sector for transition efforts.

Operations

Outgoing DHS Leadership should:

- Continue to vigorously support the establishment of state fusion centers with both funding and personnel. Listen to their specific information requirements necessary to empower state and local collaboration during the possible heightened threat period at the time of transition and throughout the new administration.

- Offer operational briefings to presidential nominees and their staff. Develop executive summaries of important issues for the nominees to consider.

- Develop a clear and concise communications strategy for transition planning and increase coordination through media representatives.

- Discourage any reorganization of the department prior to or during the transition period. (Note: this recommendation is also listed in Congressional Oversight/Action)

- Take advantage of the period from January through November 2008 as an important time to establish and standardize processes and procedures in consultation with state, local, tribal and private sector authorities. Refrain from trying to implement hasty requirements the last few months of the Administration.

Succession

Outgoing DHS Leadership should:

- Continue to ensure all key positions[2] currently filled by appointees have back up senior level career personnel for operational continuity and a more fluid transition process (Appendix H)[3]. This should also be coordinated with the Department's succession planning efforts to make certain that all key leadership positions are currently filled.

- Support and implement a cadre of individuals fully focused on transition with the leadership designation of Deputy Chief of Staff for Transition (DCST). Provide the DCST with a task force composed of representatives from each component and staff office.

- Generate a priority list of briefing materials and ensure they are in a consistent format, clearly and concisely written, well organized, and professionally presented.

    - Identify a departmental topic specialist for each functional area and major program and any associated working group assigned to it.
    - Make certain that incoming senior managers have quick references – issue papers – for each topic to prevent information overload.
    - List all of the existing cross functional working groups and the initiatives or programs on which they are working.
    - Allow personnel to do their jobs, as opposed to being consumed with briefings, through use of secure automated or web-based tools.

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[2] "Succession Order and Delegation of Authorities for Named Positions" signed October 25, 2007 by Secretary Chertoff lists leadership positions for each component and the order of succession to each position.

[3] The Succession Planning for Critical Positions initiative asks each component leader to identify a career person who would ensure continuity in the event of the departure of an appointed executive.

[4] As of December 27, 2007, the Department's Headquarters has 177 Senior Executive positions within its ranks. The breakdown of the 177 is as follows: 12 Presidential Appointments (that are mandated by Congress and require Senate approval), 33 political appointees, 107 career employees, and 25 positions currently vacant (of the vacant positions at least 3 would be political appointees). Note: The Department is in the process of recruiting/hiring for the vacant positions.

Note: For the purposes of this footnote, headquarters is defined as all DHS entities except the seven operational components. The seven operational components are: The Transportation Security Administration, U.S. Customs & Border Protection, U.S. Citizenship & Immigration Services, U.S. Customs Enforcement, U.S. Secret Service, Federal Emergency Management Agency, and the U.S. Coast Guard.

- Compile a list of all presidential and homeland security directives and strategies and show how each align or not with the others.

- Continue to reduce the number of senior political appointees so that there is a more even mix of career and presidential appointed senior positions to maintain continuity and historical knowledge.[4] (Note: this recommendation is also under Congressional Oversight/Action)

- Consider current political appointees with highly specialized and needed skills for appropriate career positions. (Note: this recommendation is also under Congressional Oversight/Action)

Note: *The National Academy of Public Administration is providing key recommendations in this area.*

Training

Outgoing DHS Leadership should:

- Organize table top exercises (based upon DHS's top ten scenarios) for new administration officials as early as possible and assure adequate funding, preparation, and delivery of same.

Note: *The Council for Excellence in Government is providing key recommendations in this area.*

Appendix A

Administration Transition Task Force Members:

- **Glenda Hood** – (Chair) Former Florida Secretary of State and Mayor of Orlando, Florida; President and CEO, Hood Partners, LLC
- **Don Knabe** – (Vice Chair) Chairman, Los Angeles County, Board of Supervisors
- **John Magaw** – (Vice Chair) Former Under Secretary for Security, Department of Transportation
- **Karen Anderson** – Former Mayor, Minnetonka, Minnesota, National League of Cities
- **Norm Augustine** – Former Chairman and Chief Executive Officer, Lockheed Martin Corp.
- **Kathleen Bader** – Textron Board Member
- **Nelson Balido** – President & Chief Executive Officer, Balido & Associates,
- **Frank Cilluffo** – Associate Vice President for Homeland Security, George Washington University
- **Dan Corsentino** – Former Sheriff, Pueblo County, Colorado
- **James Dunlap** – Former State Senator, State of Oklahoma
- **Ellen Gordon** – Former Administrator, Iowa Emergency Management Division
- **Dr. Doug Huntt** – President and Chief Executive Officer, Burlington United Methodist Family Services, Inc.
- **Phil Keith** – Retired Chief, Knoxville, Tennessee Police Department
- **Herb Kelleher**, Executive Chairman, Southwest Airlines Co.
- **Brian Leary** – Vice President of Design/Development, Atlantic Station & Jacoby Development, LLC
- **Patrick McCrory** – Mayor, Charlotte, North Carolina
- **Peggy Merriss** – City Manager, Decatur, Georgia, Past President International City-County Management Association
- **Karen Miller** – Commissioner, Boone County Government Center, Columbia, Missouri, Past President National Association of Counties

- **Judith Mueller** – Director of Public Works, Charlottesville, Virginia
- **Greg Principato** – President, Airports Council International – North America
- **Dr. Paul Roth** – Executive Vice President for Health Sciences, University of New Mexico
- **Dr. Roxane Cohen Silver** – Professor of Psychology and Social Behavior, University of California at Irvine
- **Jim Douglas** - Governor of Vermont, and past President, Council of State Governments
- **Rick Stephens** – Senior Vice President, Human Resources & Administration, The Boeing Company
- **Dr. Lydia Thomas** – Former President and Chief Executive Officer, Noblis
- **Joe White** – Chief Executive Officer, American Red Cross St. Louis Chapter
- **Bill Whitmore** – Chief Executive Officer, AlliedBarton Security Services
- **Houston Williams** – Principal Owner, Raven Oaks Vineyards and Winery
- **Thomas Wyss** – State Senator, State of Indiana
- **Allan Zenowitz** – Retired General and former FEMA Senior Official
- **Ex-Officio: Judge William Webster** (HSAC Chair) – Partner, Milbank, Tweed, Hadley & McCloy, LLP
- **Ex-Officio: Dr. James Schlesinger** (HSAC Vice Chair) – Chairman, Board of Trustees, The MITRE Corporation

HSAC Administration Transition Task Force Directors

Mike Miron, Director, State and Local Officials Senior Advisory Committee
Candace Stoltz, Director, Private Sector Senior Advisory Committee

HSAC STAFF

Doug Hoelscher, Director, Homeland Security Advisory Committees
Michael Fullerton, Deputy Director, Homeland Security Advisory Committees
Chuck Adams, Director, Emergency Response Senior Advisory Committee
Jennifer Myers, Executive Assistant
Kezia Williams, Senior Conference Coordinator

Appendix B

Administration Transition Task Force – Subject Matter Experts:

- **Christian Beckner,** Senate Homeland Security and Governmental Affairs Committee (Majority side)
- **Michael A. Beland,** House Homeland Security Committee (Majority side)
- **Robert C. Bonner**, Gibson, Dunn and Crutcher LLP, former Commissioner Customs and Border Protection
- **Katja Bullock**, Special Assistant to the President for Presidential Personnel
- **Michael Donley,** Director of Administration and Management**,** Department of Defense
- **Jamie S. Gorelick,** Wilmer Cutler Pickering Hale and Dorr LLP, former Deputy Attorney General and former 9/11 Commissioner
- **Janet Hale**, Deloitte & Touche, former Under Secretary Management, DHS
- **Clay Johnson,** Deputy Director for Management, OMB
- **Tony Lord,** First Secretary, Justice and Home Affairs, British Embassy
- **Theresa Manthripragada,** Senate Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia (Minority side)
- **Pat McGinnis,** President and CEO, Council for Excellence in Government
- **Michael J. Russell,** House Subcommittee on Management, Investigations, and Oversight (Minority side)
- **Michael Stroud,** House Homeland Security Committee (Majority side)

Appendix C

DHS Vision, Mission and Strategic Goals:

Vision

Preserving our freedoms, protecting America ... we secure our homeland.

Mission

We will lead the unified national effort to secure America. We will prevent and deter terrorist attacks and protect against and respond to threats and hazards to the nation. We will ensure safe and secure borders, welcome lawful immigrants and visitors, and promote the free-flow of commerce.

Strategic Goals

- **Awareness** — Identify and understand threats, assess vulnerabilities, determine potential impacts and disseminate timely information to our homeland security partners and the American public.
- **Prevention** — Detect, deter and mitigate threats to our homeland.
- **Protection** — Safeguard our people and their freedoms, critical infrastructure, property and the economy of our Nation from acts of terrorism, natural disasters, or other emergencies.
- **Response** — Lead, manage and coordinate the national response to acts of terrorism, natural disasters, or other emergencies.
- **Recovery** — Lead national, state, local and private sector efforts to restore services and rebuild communities after acts of terrorism, natural disasters, or other emergencies.
- **Service** — Serve the public effectively by facilitating lawful trade, travel and immigration.
- **Organizational Excellence** — Value our most important resource, our people. Create a culture that promotes a common identity, innovation, mutual respect, accountability and teamwork to achieve efficiencies, effectiveness, and operational synergies.

Appendix D

White House Executive Order 13286 Section 88 Order of Succession:

For Immediate Release
Office of the Press Secretary
August 13, 2007

Executive Order: Amending the Order of Succession in the Department of Homeland Security

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345, *et seq*., it is hereby ordered as follows:

Section 1. Section 88 of Executive Order 13286 of February 28, 2003 ("Amendment of Executive Orders, and Other Actions, in Connection With the Transfer of Certain Functions to the Secretary of Homeland Security"), is amended by striking the text of such section in its entirety and inserting the following in lieu thereof:

"Sec. 88. Order of Succession.

Subject to the provisions of subsection (b) of this section, the officers named in subsection (a) of this section, in the order listed, shall act as, and perform the functions and duties of the office of, the Secretary of Homeland Security (Secretary), if they are eligible to act as Secretary under the provisions of the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 *et seq*. (Vacancies Act), during any period in which the Secretary has died, resigned, or otherwise become unable to perform the functions and duties of the office of Secretary.

(a) Order of Succession.

"(i) Deputy Secretary of Homeland Security;

(ii) Under Secretary for National Protection and Programs;

(iii) Under Secretary for Management;

(iv) Assistant Secretary of Homeland Security (Policy);

(v) Under Secretary for Science and Technology;

(vi) General Counsel;

(vii) Assistant Secretary of Homeland Security (Transportation Security Administration);

(viii) Administrator of the Federal Emergency Management Agency;

(ix) Commissioner of U.S. Customs and Border Protection;

(x) Assistant Secretary of Homeland Security (U.S. Immigration and Customs Enforcement);

(xi) Director of U.S. Citizenship and Immigration Services;

(xii) Chief Financial Officer;

(xiii) Regional Administrator, Region V, Federal Emergency Management Agency;

(xiv) Regional Administrator, Region VI, Federal Emergency Management Agency;

(xv) Regional Administrator, Region VII, Federal Emergency Management Agency;

(xvi) Regional Administrator, Region IX, Federal Emergency Management Agency; and

(xvii) Regional Administrator, Region I, Federal Emergency Management Agency.

"(b) Exceptions.

(i) No individual who is serving in an office listed in subsection (a) in an acting capacity, by virtue of so serving, shall act as Secretary pursuant to this section.

(ii) Notwithstanding the provisions of this section, the President retains discretion, to the extent permitted by the Vacancies Act, to depart from this order in designating an acting Secretary."

Sec. 2. Executive Order 13362 of November 29, 2004 ("Designation of Additional Officers for the Department of Homeland Security Order of Succession"), is hereby revoked.

GEORGE W. BUSH

THE WHITE HOUSE,

August 13, 2007.

Appendix E

DHS Administration Transition Five Level Strategy:

DHS Transition Planning

DHS is engaged in activities at five levels to ensure operational continuity of homeland security responsibilities in view of the January 2009 administration change.

ORDER OF SUCCESSION - White House Executive Order and DHS Management Directives provide Delegations of Authority and Orders of Succession for the Secretary and Component Leaders.

DHS SUCCESSION PLANNING - Analysis of DHS critical positions to identify succession risk. For each political appointee, identify interim acting career executive. (DHS Components led by USM-OCHCO; NAPA)

INTER-AGENCY COLLABORATION - Relationships, protocols, and interfaces among Departments of Defense, Justice, Commerce, State, Homeland Security and others. Develop homeland security curriculum for senior officials. (Dep Sec, USM–OCHCO; CEG)

BEST PRACTICES - Learning from state and local governments as well as the private sector. (Homeland Security Advisory Council – Administration Transition Task Force)

ADMINISTRATIVE TRANSITION GUIDANCE - Transition Guidance Handbooks will address priorities and challenges relevant to major programs and operational areas. (USM–OCAO)

Appendix F

HSAC's Culture Task Force Report (January 2007) -- "DHS Headquarters Must Further Define and Crystallize Its Role."

Recommendation 1: ***DHS Headquarters Must Further Define and Crystallize Its Role***

The Department of Homeland Security was created to align and integrate a number of existing component organizations and to develop a number of new organizational capabilities in order to provide a cohesive, integrated and operationally efficient means of protecting the homeland. Like most new organizations that result from an organizational consolidation, one of the initial and key organizational challenges is to define the role and accountability of the headquarters organization so that the desired alignment and integration are achieved, while retaining the strong operational focus of the component organizations. The cycle time and effectiveness for the alignment and integration can be significantly improved when there is a clear definition of the role and mission of the headquarters organization. Such a definition provides a framework that ensures the headquarters can focus on its role, authority and accountability while at the same time empowering the DHS component organizations to focus on their roles. To date, while much substantive progress has been made, there does not appear to be final and full clarity with respect to these respective roles. The DHS leadership needs to ultimately define the role of headquarters so that the operational component organizations can focus on their operational strengths, while the headquarters provides the overall policy, supports integrating processes where appropriate to leverage individual component strengths, and creates the organizational alignment necessary for overall DHS success. It is important that DHS headquarters not assume final operational responsibility for component missions but rather take responsibility for providing the effective vision, policies and resources to ensure the successful execution of all component missions. One CTF member viewed the DHS Headquarters optimum to be similar to the small sticker on most of our computer hard drives – "Intel inside" – and that DHS Headquarters' operational footprint should be that small in relationship to its component agencies. The following figure delineates key suggested elements for the DHS headquarters:

Proposed Role of DHS Headquarters

- Establish overall DHS strategy and annual operational and financial performance objectives
- Insure DHS performance against operational and financial objectives through oversight of DHS Component Commands
- Actively engage with DHS Component Commands in their strategies, investments, and leadership development
- Rely on DHS Component Commands for Day to Day Execution of DHS objectives
- Sponsor and Lead DHS values, ethics and compliance standards
- Sponsor initiatives that have DHS wide impact on performance
- Manage shared DHS services
- Lead and coordinate interface with Congress and other governmental agencies and organizations

DHS HQ Supports Component Command Leadership & Performance

The CTF suggests the following guidelines with respect to the role of DHS Headquarters in its relationship to its component organizations:

- **Build Trust**, by:
  - Clearly defining the DHS mission to the American People.
  - Publicly and internally establishing Homeland Security goals and performance metrics so all can objectively see and measure Homeland Security success.
  - Ensuring measurable performance against goals and metrics.
  - Acting as the coordinated voice to Congress for the Department, proactively engaging Congress in establishing goals and measuring performance.
  - Sponsoring and leading DHS values, ethics and compliance standards.

- **Empower the components**, by:
  - Beginning each week with a Leadership Meeting with the components.
  - Aligning component goals with Homeland Security objectives.
  - Integrating within component organizations the best functionality, practices and innovations of other components.
  - Actively investing in the activities, people and strategy critical to the ability of component organizations to meet their goals.
  - Sponsoring activities and initiatives that have enterprise-wide impact on performance.

- **Empower employees**, by:
  - Dropping the buzzword “Human Capital” and replacing it with “employees” or “members” of DHS.
  - Requiring members of the headquarters to visit and to listen and respond to employees and engage and support groups outside the headquarters. All DHS

presentations (component, state, local, tribal and the private sector) outside the Headquarters should result in formal action items to be addressed, and the actions taken, or decisions with respect to them, provided to their proponents within 30 days.

- **Be a Good Partner**, by:
  - Visiting regularly, and listening to, its Homeland Security Partners at the local levels where policies, plans, and requirements are frequently implemented and where security and disaster responses are most often executed.
  - Administering grant programs in collaboration and partnership with its Homeland Security Partners.

Appendix G

Presidential Transition Act of 1963:

Legislative History (***Source: Senate Committee on Government Affairs)*** The Presidential Transition Act of 1963 (Public Law 88-277, 3 U.S. C. 102 note) was enacted to provide for the orderly transfer of executive power in connection with the expiration of the term of office of a President and the inauguration of a new President. Since the time the Presidential Transition Act was passed, transitions have grown more complex and cumbersome, often leaving the new administration without the head start it needs to begin governing on inauguration day.

On November 1999, the House of Representatives, by voice vote, passed H.R.3137, a bill "to amend the Presidential Transition Act of 1963 to provide for training of individuals a President-elect intends to nominate as department heads or appoint to key positions in the Executive Office of the President." After the bill was referred to the Governmental Affairs Committee, the Committee made changes to it based on recommendations from experts in the area of Presidential transitions. The Senate version, S. 2705, the Presidential Transition Act of 2000, was introduced on June 8, 2000. It was cosponsored by Senators Lieberman, Akaka, Collins, Durbin, Levin and Voinovich. It was ordered favorably reported by the Committee on June 14, 2000. The House of Representatives adopted the language of S. 2705, incorporated it into H.R. 4931, and passed the bill by unanimous consent on September 13, 2000. The Senate passed H.R. 4931 by unanimous consent on September 28, 2000.

H.R. 4931 was signed by the President on October 12, 2000.

118 STAT. 3856 PUBLIC LAW 108-458-DEC. 17, 2004

Subtitle F-Presidential Transition

SEC. 7601. PRESIDENTIAL TRANSITION.

SERVICES PROVIDED PRESIDENT-ELECT.-Section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended-

(1) by adding after subsection (a)(8)(A)(iv) the following: “(v) Activities under this paragraph shall include the preparation of a detailed classified, compartmented summary by the relevant outgoing executive branch officials of specific operational threats to national security; major military or covert operations: and pending decisions on possible uses of military force. This summary shall be provided to the President-elect as soon as possible after the date of the general elections held to determine the electors of President and Vice President under section 1 or 2 of title 3, United States Code.”;
(2) by redesignating subsection (f) as subsection (g); and

(3) by adding after subsection (e) the following:

"(f)(1) The President-elect should submit to the Federal Bureau of Investigation or other appropriate agency and then, upon taking effect and designation, to the agency designated by the President under section 115(b) of the National Intelligence Reform Act of 2004, the names of candidates for high level national security positions through the level of undersecretary of cabinet departments as soon as possible after the date of the general elections held to determine the electors of President and Vice President under section 1 or 2 of title 3, United States Code.

"(2) The responsible agency or agencies shall undertake and complete as expeditiously as possible the background investigations necessary to provide appropriate security clearances to the individuals who are candidates described under paragraph (1) before the date of the inauguration of the President-elect as President and the inauguration of the Vice-President-elect as Vice President.".

(b) Sense of the Senate Regarding Expedited Consideration of National Security Nominees.-It is the sense of the Senate that-

(1) the President-elect should submit the nominations of candidates for high-level national security positions, through the level of undersecretary of cabinet departments, to the Senate by the date of the inauguration of the President-elect as President; and

(2) for all such national security nominees received by the date of inauguration, the Senate committees to which these nominations are referred should, to the fullest extend possible, complete their consideration of these nominations, and, if such nominations are reported by the committees, the full Senate should vote to confirm or reject these nominations, within 30 days of their submission.

(c) Security Clearances for Transition Team Members.-

(1) DEFINITION.-In this section, the term "major party" shall have the meaning given under section 9002(6) of the Internal Revenue Code of 1986.

(2) IN GENERAL.-Each major party candidate for President may submit, before the date of the general election, requests for security clearances for prospective transition team members who will have a need for access to classified information to carry out their responsibilities as members of the President-elect's transition team.

(3) COMPLETE DATE.-Necessary background investigations and eligibility determinations to permit appropriate prospective transition team members to have access to classified information shall be completed, to the fullest extent practicable, by the day after the date of the general election.

(d) EFFECTIVE DATE.-Notwithstanding section 351, this section and the amendments made by this section shall take effect on the date of enactment of this Act.

3 USC 102 note

Appendix H

Annex A – DHS Succession Order for Secretary
Annex B – DHS Succession Order and Order for Delegation – as of January 1, 2008

Annex A
Order for Delegation of Authority by the Secretary of the Department of Homeland Security

(Pursuant to Executive Order 13442 (August 13, 2007)

1. **Deputy Secretary for Homeland Security**
2. **Under Secretary for National Protection and Programs**
3. **Under Secretary for Management**
4. **Assistant Secretary of Homeland Security (Policy)**
5. **Under Secretary for Science and Technology**
6. **General Counsel**
7. **Assistant Secretary of Homeland Security (Transportation Security Administration)**
8. **Administrator of the Federal Emergency Management Agency**
9. **Commissioner of U.S. Customs and Border Protection**
10. **Assistant Secretary of Homeland Security (U.S. Immigration and Customs Enforcement)**
11. **Director of U.S. Citizenship and Immigration Services**
12. **Chief Financial Officer**
13. **Regional Administrator, Region V, Federal Emergency Management Agency**
14. **Regional Administrator, Region VI, Federal Emergency Management Agency**
15. **Regional Administrator, Region VII, Federal Emergency Management Agency**
16. **Regional Administrator, Region IX, Federal Emergency Management Agency**
17. **Regional Administrator, Region I, Federal Emergency Management Agency**

Annex B
DHS Succession Order and Order for Delegation

U.S. Coast Guard	
Commandant	S
Vice Commandant*	C
Chief of Staff	C
Commander, Pacific Area	C
Commander, Atlantic Area	C
Federal Emergency Management Agency	
Administrator	S
Deputy Administrator and Chief Operating Officer*	S
Deputy Administrator, National Preparedness	S
Associate Deputy Administrator	C
Director, Office of Policy & Planning Analysis	N
Region V Administrator	N

Region VI Administrator	N
Region VII Administrator	N
Region IX Administrator	C
Region I Administrator	N
U.S. Secret Service	
Director	C
Deputy Director	C
Assistant Director, Administration	C
Assistant Director, Protective Operations	C
Assistant Director, Investigations	C
Assistant Director, Protective Research	C
Assistant Director, Human Resources and Training	C
Assistant Director, Inspection	C
Assistant Director, Government and Public Affairs	C
U.S. Immigration and Customs Enforcement	
Assistant Secretary	S
Deputy Assistant Secretary, Operations*	C
Director, Office of Investigations	C
Director, Office of Detention & Removal Operations	C
Director, Office of the Principal Legal Advisor	N
Deputy Assistant Secretary, Management	C
U.S. Citizenship and Immigration Services	
Director	S
Deputy Director*	N
Associate Director, Domestic Operations	C
Associate Director, National Security & Records Verification	C
Chief Financial Officer	C
Director, New York District	C
U.S. Customs and Border Protection	
Commissioner	S
Deputy Commissioner*	C
Chief, Border Patrol	C
Assistant Commissioner, Field Operations	C
Director, Field Operations, New York	C
Sector Chief, El Paso	C
Director, Field Operations, Houston	C
Sector Chief, Tucson	C
Sector Chief, San Diego	C
Director, Field Operations, Miami	C
Transportation Security Administration	
Assistant Secretary / Administrator	S
Deputy Administrator*	C
Assistant Administrator, Office of Transportation and Sector Management	L
Assistant Administrator, Office of Security Operations	C
Assistant Administrator, Office of Law Enforcement/ Federal Air Marshal Service	C
Federal Security Director, Los Angeles International Airport	C
Federal Security Director, Orlando International Airport	C

Management	
Under Secretary	S
Deputy Under Secretary*	C
Chief Financial Officer	S
Chief Information Officer	P
Chief Human Capital Officer	P
Chief Procurement Officer	C
Chief Administrative Officer	C
Science and Technology	
Under Secretary	S
Deputy Under Secretary*	C
Director, Office of Transition	C
Director, Interagency Programs	L
Director, Office of Innovation	C
Division Head, Office of Explosives	C
Division Head, Office of Borders & Maritime Security	C
National Protection and Programs Directorate	
Under Secretary	S
Deputy Under Secretary*	P
Assistant Secretary, Infrastructure Protection	P
Assistant Secretary, Cybersecurity & Communications	N
Assistant Secretary, Intergovernmental Affairs	N
Deputy Assistant Secretary, Infrastructure Protection	N
Director, U.S. Visitor & Immigrant Status Indicator Technology (US- VISIT)	C

Component/Position	**Career Status**
Office of Policy	
Assistant Secretary	S
Deputy Assistant Secretary*	N
Assistant Secretary, Policy Development	N
Assistant Secretary, International Relations	L
Director, Screening Coordination Office	L
Office of Intelligence and Analysis	
Under Secretary, Chief Intelligence Officer	S
Deputy Under Secretary*	C
Deputy Under Secretary, Operations	N
Assistant Deputy Under Secretary, Intelligence	C
Assistant Deputy Under Secretary, Mission Integration	C
Assistant Deputy Under Secretary, External Communications	C
Office of Operations Coordination	
Director	L
Deputy Director	C
Director, National Operations Center	C
Chief of Staff	C
Director, Incident Management & Interagency Planning	C
Office of Health Affairs	
Assistant Secretary, Chief Medical Officer	S
Principal Deputy Assistant Secretary, Deputy Chief Medical Officer*	C
Chief of Staff	C

Associate Chief Medical Officer, Medical Readiness	T
Associate Chief Medical Officer, Component Services	C
Associate Chief Medical Officer, Weapons of Mass Destruction & Biodefense	C
Federal Law Enforcement Training Center	
Director	C
Deputy Director	C
Assistant Director, Training	C
Assistant Director, Field Training	C
Assistant Director, Training Innovation & Management	C
Assistant Director, Administration	C
Assistant Director, Chief Financial Officer	C
Assistant Director, Chief Information Officer	C
Senior Associate Director, Washington Operations	C
Domestic Nuclear Detection Office	
Director	P
Deputy Director	C
Assistant Director, Mission Management	C
Assistant Director, National Technical Nuclear Forensics Center	C
Assistant Director, Transformational & Applied Research	C
Assistant Director, Product Acquisition	C

Component/Position	**Career Status**
Office of the General Counsel	
General Counsel	S
Principal Deputy General Counsel*	N
Deputy General Counsel	C
Associate General Counsel, General Law	N
Chief Counsel, TSA	C
Director of Field Legal Operations, Principal Legal Advisor, ICE	C
Office of Legislative Affairs	
Assistant Secretary	N
Deputy Assistant Secretary, Operations	C
Deputy Assistant Secretary, Senate Liaison	N
Deputy Assistant Secretary, House Liaison	N
Director, Intelligence & Analysis/Operations	N
Director, National Protection & Programs Directorate	C
Office of Public Affairs	
Assistant Secretary	N
Deputy Assistant Secretary	N
Director, Strategic Communications	N
Director, Internal Communications	C
Office of Inspector General	
Inspector General	S
Deputy Inspector General*	C
Counsel to the Inspector General	C
Assistant Inspector General, Audits	C
Assistant Inspector General, Investigations	C
Assistant Inspector General, Inspections	C

Citizenship and Immigration Services Ombudsman	
Ombudsman	N
Executive Officer	C
Chief, Programs, Policy, Strategy & Research	C
Chief, Intake Evaluations & Problem Resolution	C
Chief Privacy Officer	
Chief Privacy Officer	N
Deputy Chief Privacy Officer, Privacy	C
Deputy Chief FOIA Officer, Freedom of Information Act	C
Civil Rights and Civil Liberties	
Civil Rights and Civil Liberties Officer	P
Deputy Officer, Equal Employment Opportunity Programs	C
Deputy Officer, Programs and Compliance	C
Executive Officer	C
Office of Counternarcotics Enforcement	
Director	S
Chief of Staff*	C
Principal Asst Director	C

S = Presidential Appointee with Senate Confirmation
P = Presidential Appointee
N = Non-Career SES or Schedule C
C = Career
L = Limited term appointee
T = Scientific Professional
* = First Assistant, pursuant to the Federal Vacancy Reform Act